

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1591 of 2018

Arising Out of PS.Case No. -247 Year- 2018 Thana -KANKARBAGH District- PATNA

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1. Amar Kumar, S/o Late Sunil Kumar Singh, Resident of Chhakubigha, P.O.-
Kanap, P.S. Daud Nagar, Distt.- Aurangabad.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Onkar Kumar, Adv

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 01-11-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 13.04.2018 in A.B.P. No.2355 of 2018 passed by the learned Special Judge, SC/ST Act-cum-Additional Sessions Judge-V, Patna in connection with Kankarbagh P.S.Case No. 247 of 2018 registered under Section 376 of the Indian Penal Code as well as under Sections 3(1)(r)(w) of the Scheduled Castes and Scheduled Tribes Act.

The matter was heard on 03.07.2018 and again on 16.07.2018 in Chamber in presence of the parties. The parties expressed their desire for amicable settlement of the matter and



finally they agreed to close this chapter after finally accepting Rs. Eleven Lacs through bank draft produced by the appellant in the name of the informant of this case.

The allegation was of physical relation since last 10 years on the pretext of marriage. Both were major since the days of their alleged initial relationship. During reconciliation, the appellants did not agree for restoration of relationship. In the circumstances, the informant agreed to receive the aforesaid amount as final break up of relationship with the appellants. The bank draft was received by the informant from the records today and she agrees to file a petition of compromise before the learned court below within a month from today.

The appellant agrees not to use any material of relationship between the two in future to pose any threat or trouble to the personal/private life of the informant. If the appellant would be found indulged in such activity it may give rise to another criminal case against the appellant.

In the event of filing of compromise petition, the learned court below shall expeditiously dispose of the matter because the fate of the trial would be apparent after compromise between the parties.

With the aforesaid observation, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of



receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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